

The parties agree claimant's attorney rendered services after disposition of the original claim to obtain penalties for non-payment of a medical bill that had been ordered paid. Because the proceeding for penalties is post-award, K.S.A. 44-536(g) entitles claimant to reasonable attorney fees for services rendered. Respondent contends attorney fees may only be awarded when there is a post-award request for review and modification or additional benefits. The Appeals Board disagrees and finds the statute unambiguous.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Floyd V. Palmer, dated October 17, 1994, denying attorney fees should be, and hereby is, reversed and this proceeding is remanded to the Administrative Law Judge for an order and determination of a reasonable amount of attorney fees to be awarded claimant's attorney in this proceeding. The Appeals Board does not retain jurisdiction over this matter and the parties must file a new application for review and follow the appropriate procedures should they be aggrieved after they receive the decision and order from the Administrative Law Judge.

IT IS SO ORDERED.

Dated this ____ day of December, 1994.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Seth G. Valerius, Topeka, KS
Patrick M. Salsbury, Topeka, KS
Floyd V. Palmer, Administrative Law Judge
George Gomez, Director